

REMARKS

In the Office Action, the Examiner indicated that claims 1 through 33 are pending in the application. The Examiner rejected claims 1-7, 9-11, 13-16, 18-25, 27-29, and 31-33, and objected to claims 8, 12, 17, 26, and 30.

Claim Rejections

In item 3 on pages 2 to 7 of the Office Action, the Examiner rejected claims 1-7, 9-11, 13-16, 18-25, 27-29, and 31-33 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2001/0033554 to Ayyagari et al. in view of U.S. Patent No. 6,173,040 to Wang ("Wang").

The Present Invention

The present invention provides a method and system for providing an accurate service record from one communication device to another communication device. More particularly, the present invention is a method and system by which a determination is made as to whether or not a second communication device has a modem present and whether or not a proper phone line connection exists in the second device (e.g., so that the modem can be utilized). The second communication device generates a service record identifying modem-based services that it can offer based on whether or not a modem having access to a telephone line is present.

The communication devices which can use this technology include laptops, desktops, hand-helds, PDAs, mobile phones, two-way pagers, etc. (specification, page 1, lines 11-13). Thus, for

example, a first communication device comprising a PDA can retrieve the service record from a second communication device, e.g., a desktop computer. Since the desktop computer (in this example) produces its service record based upon first determining whether or not a modem is present and whether or not a proper phone line connection exists to utilize that modem, the service record provided to the PDA will inform a user of the PDA if modem-based services are available, and likewise, will exclude modem-based services from the service record if no modem and proper phone line connection exists.

U.S. Patent Publication No. 2001/0033554 to Ayyagari et al.

U.S. Patent Publication No. 2001/0033554 to Ayyagari et al. teaches a proxy-bridge device comprising a bridge for sending packets to and from (between) an external device and a device in a piconet. The protocol stack of the proxy-bridge device allows an application to communicate with a remote device, e.g., via the Internet protocol. Thus, the proxy-bridge device, using two protocols, enables remote users to discover the presence of a service offered by a device in a piconet as a logical embedded device within the proxy-bridge device and vice-versa.

U.S. Patent No. 6,173,040 to Wang

U.S. Patent No. 6,173,040 to Wang (“Wang”) teaches a telephone line state detecting device. The invention of Wang provides a telephone line state detecting device that includes a hardware detecting circuit provided in a telephone line connected to a modem. The hardware detecting circuit is connected to a processing unit. In use, the hardware detecting circuit detects

pulses generated by voltages flowing through the telephone line, which are processed by the processing unit to determine whether the line is interrupted or electro-contact thereof is poor, or whether the telecommunication equipment used in conjunction therewith is busy or not in use.

The Examiner has not Established a *prima facie* Case of Obviousness

As set forth in the MPEP:

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skilled in the art, to modify the reference or to combine reference teachings.

MPEP 2143

The Examiner has not met the burden required for an analysis under 35 U.S.C. §103. As noted above, the present claimed invention is utilized in an environment in which there are at least two disparate communication devices (e.g., a PDA and a desktop computer; two laptops; etc.), where a first of the devices wishes to utilize modem services provided by the second device. To avoid the time-wasting process of having the first device communicate with the second device, identify that the second device has a modem installed, and then find that the installed modem does not have a proper telephone line connection, the present invention has the second device make a determination that a proper phone line connection exists before it represents to other communication devices that it has modem services available.

Ayyagari et al. contains no such teachings or suggestion. Nowhere in Ayyagari is there any teaching or suggestion of the selective “advertising” of modem services by a second communication device to a first communication device only after determining that such modem

services, via a properly functioning telephone line, are available. Ayyagari merely describes a typical multiple-device communication system, such as a BlueTooth system, which applicant acknowledges are well known.

The addition of Wang provides no such teaching or suggestion. Wang teaches a standard computer processing system, whereby a hardware detection circuit 10 is used to detect the presence of a functioning telephone line for use by modem 100. Applicant acknowledges the existence of telephone line detection circuits, and does not claim a telephone line detection circuit as its invention. Rather, applicant claims, in a communication system involving at least two discrete communication devices, a system whereby a device having modem services potentially available does not “advertise” their availability unless the modem contained in this device is connectable to a functioning telephone line. Neither Ayyagari nor Wang teach or suggest this feature. The fact that Wang may or may not teach whether a proper phone line connection with a modem exists is immaterial. Essentially all devices that work with a modem at some point must determine whether or not a modem is connected to a phone line. However, neither of these cited patents teach or suggest that prior to issuing a service record identifying modem-based services, determining whether a proper phone line connection exists, so that if no such connection exists, the modem-based service is excluded from the service record.

Each of the claims contain these limitations (e.g., Claim 1, “. . . first determining whether a modem is present in the second communication device; second determining whether a proper phone line connection exists in the second communication device; and generating, by the second communication device, a service record identifying modem-based services that can be offered by

the second communication device to the first communication device, based on the results of the first and second determining steps.”). Accordingly, all of the claims patentably define over the proposed combination of Ayyagari and Wang.

Conclusion

The present invention is not taught or suggested by the prior art. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims. An early Notice of Allowance is earnestly solicited. The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 19-5425.

Respectfully submitted

Dec. 9, 2004
Date



Mark D. Simpson, Esquire
Registration No. 32,942

SYNNESTVEDT & LECHNER LLP
2600 ARAMARK Tower
1101 Market Street
Philadelphia, PA 19107
Telephone: (215) 923-4466
Facsimile: (215) 923-2189